IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 28688 of 2007(M)

PETITIONERS:

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1. YOHANNAN,CHARUVILA KIZHAKKETHIL,
   SOORANADU NORTH,KOLLAM DISTRICT.

2. THANCKACHAN, CHARUVILA KIZHAKKETHIL
   SOORANADU NORTH,KOLLAM DISTRICT.

3. JOY,THENGUVILA PUTHEN VEEDU,
   SOORANADU NORTH,KOLLAM.

4. JOHN,VALIYAVILA THEKKETHIL,
   SOORANADU NORTH,KOLLAM.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS:

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1. THE DISTRICT COLELCTOR,KOLLAM.

2. THE SOORANAD NORTH GRAMA PANCHAYATH,
   REPRESENTED BY ITS SECRETARY,
   SOORANAD NORTH,KOLLAM.

3. THE SECRETARY,
   THE SOORANAD NORTH GRAMA PANCHAYATH,
   SOORANAD NORTH,KOLLAM.

4. KUNJUMON, PUTHEN VILA VEEDU,
   THE CONVENOR,BENEFICIARY COMMITTEE,
   RESIDING AT PUTHENVILA VEEDU,
   SOORANAD NORTH,KOLLAM.

5. THOMAS,CHAIRMAN BENEFICIARY COMMITTEE,
   MURILIL VEEDU, SOORANAD NORTH,KOLLAM DISTRICT.

R1 BY SR.GOVT.PLEADER SRI.K.J.MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.28688 OF 2007

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DATED THIS THE 27TH SEPTEMBER, 2007

J U D G M E N T

The petitioners who were members of a beneficiary committee which had taken up certain road works under the SGRY Scheme are aggrieved by Ext.P1 notice under which the Panchayat has threatened them with initiation of revenue recovery proceedings on the allegation that the work was not even started though foodgrains worth Rs.2,50,170/- were received by them. According to the petitioners, the foodgrains were received not by them but by the 4th respondent. They filed Ext.P2 representation in response to Ext.P1. Apart from that, they have filed a detailed representation (Ext.P3) before the District Collector also, raising their grievances.

2. I do not propose to go into the merits of the matter. Having regard to the submissions of the counsel for the petitioners and those of Sri.K.J.Mohammed Anzar, learned Government Pleader who has taken notice on behalf of the 1st respondent, I dispose of the Writ Petition issuing the following directions:-

The 3rd respondent will treat Ext.P2 as the petitioners' reply to Ext.P1, hear the petitioners and also respondents 4 and 5 and take a decision regarding implementation of Ext.P1 at the earliest and at any

rate within one month of the petitioners placing a copy of this judgment. Similarly, the 1st respondent-District Collector is also directed to consider Ext.P3 representation in the light of the averments in the Writ Petition and to take a decision on Ext.P3 after hearing the petitioners as well as respondents 4 and 5. Decision as directed above will be taken by the District Collector at his earliest and at any rate within two months of receiving copy of this judgment. It is open to the petitioners to place before the District Collector copy of the decision, if any, taken by the Panchayat Secretary pursuant to the above directions. Considering the above directions, coercive action pursuant to Ext.P1 will not be initiated against the petitioners for a period of six weeks from today.

(PIUS C.KURIAKOSE, JUDGE)

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